

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOHAMED JOHN AKHTAR and LA BUCA
RESTAURANT, INC. d/b/a SWING 46 JAZZ
AND SUPPER CLUB,

Plaintiffs

-against-

ERIC M. EISENBERG and JOHN AND JANE
DOES ONE THROUGH THIRTY,

Defendants

23-CV-6585 (JGLC) (VF)

**DECLARATION OF ERIC M. EISENBERG IN SUPPORT HIS MOTION TO DISMISS
AMENDED COMPLAINT PURSUANT TO RULES 12(B)(1), 12(B)(2), 12(B)(5), 12(B)(6)
AND 12(B)(7)**

1. I, Eric M. Eisenberg, affirm, including but not limited to pursuant to CPLR 2106, this 3rd day of April, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the statements herein are true and correct, and I understand that this document may be filed in an action or proceeding in a court of law.
2. Attached as Exhibit 1 hereto are true and correct printouts of images of six citizen-issued noise summonses, as retrieved by me on March 30, 2025 from OATH's public ECB Ticket Finder, which is available at <https://a820-ecbticketfinder.nyc.gov/>
3. Attached as Exhibit 2 hereto are true and correct printouts of OATH's webpage indications of the status of the six citizen-issued noise summonses referenced above, indicating, *inter alia*, that all six have a "Status of Summons/Notice" of "DEFAULTED", again as retrieved by me on March 30, 2025 from OATH's public ECB Ticket Finder, which is available at <https://a820-ecbticketfinder.nyc.gov/>

Dated (and executed in):
April 3, 2025 (Miami, Florida)

Respectfully submitted,

s/ Eric Eisenberg
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